

**FILED UNDER SEAL UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**PURSUANT TO 31 USC 1730(B)(2) CIVIL COVER SHEET**

**I. (a) PLAINTIFFS** ( Check box if you are representing yourself ☐ )

United States et al., ex rel. Nicholas Finch and Nicholas Saccomanno

**DEFENDANTS** ( Check box if you are representing yourself ☐ )

Nihon Kohden Corporation, Nihon Kohden America, Inc., and Nihon Kohden OrangeMed, Inc.

**(b) County of Residence of First Listed Plaintiff**

(EXCEPT IN U.S. PLAINTIFF CASES)

**County of Residence of First Listed Defendant** Los Angeles

(IN U.S. PLAINTIFF CASES ONLY)

**(c) Attorneys (Firm Name, Address and Telephone Number)** If you are representing yourself, provide the same information.

Levene, Neale, Bender, Yoo & Brill L.L.P., 10250 Constellation Bl., #1700, Los Angeles, CA 90067; 310-229-1234; Keating Muething & Klekamp PLL, One East Fourth St., #1400, Cincinnati, Ohio 45202; 513-579-6400; The Hesch Firm, LLC, 3540 Ridgeway Dr., Lynchburg, Virginia 24503; 434-229-8677

**Attorneys (Firm Name, Address and Telephone Number)** If you are representing yourself, provide the same information.**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☒ 1. U.S. Government Plaintiff ☐ 3. Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only** (Place an X in one box for plaintiff and one for defendant)

- |   |                                |                                |   |                                |                                |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2     | <input type="checkbox"/> 2     | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5     | <input type="checkbox"/> 5     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3     | <input type="checkbox"/> 3     | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6     |

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1. Original Proceeding ☐ 2. Removed from State Court ☐ 3. Remanded from Appellate Court ☐ 4. Reinstated or Reopened ☐ 5. Transferred from Another District (Specify) ☐ 6. Multidistrict Litigation - Transfer ☐ 8. Multidistrict Litigation - Direct File

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☒ No☒ **MONEY DEMANDED IN COMPLAINT:** \$ damages-penalties**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
31 USC 3729(a) - False Claims Act - claims submitted for adulterated/misbranded/off-label patient monitoring medial devices without necessary pre-market government approval**VII. NATURE OF SUIT** (Place an X in one box only.)

| OTHER STATUTES   | CONTRACT  | REAL PROPERTY CONT.   | IMMIGRATION  | PRISONER PETITIONS   | PROPERTY RIGHTS  |
|--|---|---|--|--|--|
| <input type="checkbox"/> 375 False Claims Act  | <input type="checkbox"/> 110 Insurance  | <input type="checkbox"/> 240 Torts to Land  | <input type="checkbox"/> 462 Naturalization Application            | <b>Habeas Corpus:</b>  | <input type="checkbox"/> 820 Copyrights                                |
| <input checked="" type="checkbox"/> 376 Qui Tam (31 USC 3729(a))                       | <input type="checkbox"/> 120 Marine   | <input type="checkbox"/> 245 Tort Product Liability                                       | <input type="checkbox"/> 465 Other Immigration Actions             | <input type="checkbox"/> 463 Alien Detainee                              | <input type="checkbox"/> 830 Patent                                    |
| <input type="checkbox"/> 400 State Reapportionment                                     | <input type="checkbox"/> 130 Miller Act   | <input type="checkbox"/> 290 All Other Real Property                                      | <b>TORTS</b>   | <input type="checkbox"/> 510 Motions to Vacate Sentence                  | <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application |
| <input type="checkbox"/> 410 Antitrust   | <input type="checkbox"/> 140 Negotiable Instrument                              | <b>PERSONAL INJURY</b>  | <b>PERSONAL PROPERTY</b>   | <input type="checkbox"/> 530 General                                     | <input type="checkbox"/> 840 Trademark                                 |
| <input type="checkbox"/> 430 Banks and Banking   | <input type="checkbox"/> 150 Recovery of Overpayment of Enforcement of Judgment | <input type="checkbox"/> 310 Airplane   | <input type="checkbox"/> 370 Other Fraud                           | <input type="checkbox"/> 535 Death Penalty                               | <b>SOCIAL SECURITY</b>   |
| <input type="checkbox"/> 450 Commerce/ICC Rates/Etc.                                   | <input type="checkbox"/> 151 Medicare Act                                       | <input type="checkbox"/> 315 Airplane Product Liability                                   | <input type="checkbox"/> 371 Truth in Lending                      | <b>Other:</b>  | <input type="checkbox"/> 861 HIA (1395ff)                              |
| <input type="checkbox"/> 460 Deportation   | <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)    | <input type="checkbox"/> 320 Assault, Libel & Slander                                     | <input type="checkbox"/> 380 Other Personal Property Damage        | <input type="checkbox"/> 540 Mandamus/Other                              | <input type="checkbox"/> 862 Black Lung (923)                          |
| <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.                       | <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits           | <input type="checkbox"/> 330 Fed. Employers' Liability                                    | <input type="checkbox"/> 385 Property Damage Product Liability     | <input type="checkbox"/> 550 Civil Rights                                | <input type="checkbox"/> 863 DIWC/DIWW (405 (g))                       |
| <input type="checkbox"/> 480 Consumer Credit   | <input type="checkbox"/> 160 Stockholders' Suits                                | <input type="checkbox"/> 340 Marine   | <b>BANKRUPTCY</b>  | <input type="checkbox"/> 555 Prison Condition                            | <input type="checkbox"/> 864 SSID Title XVI                            |
| <input type="checkbox"/> 490 Cable/Sat TV  | <input type="checkbox"/> 190 Other Contract                                     | <input type="checkbox"/> 345 Marine Product Liability                                     | <input type="checkbox"/> 422 Appeal 28 USC 158                     | <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement    | <input type="checkbox"/> 865 RSI (405 (g))                             |
| <input type="checkbox"/> 850 Securities/Commodities/Exchange                           | <input type="checkbox"/> 195 Contract Product Liability                         | <input type="checkbox"/> 350 Motor Vehicle  | <input type="checkbox"/> 423 Withdrawal 28 USC 157                 | <b>FORFEITURE/PENALTY</b>  | <b>FEDERAL TAX SUITS</b>   |
| <input type="checkbox"/> 890 Other Statutory Actions                                   | <input type="checkbox"/> 196 Franchise  | <input type="checkbox"/> 355 Motor Vehicle Product Liability                              | <b>CIVIL RIGHTS</b>  | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)       |
| <input type="checkbox"/> 891 Agricultural Acts   | <b>REAL PROPERTY</b>  | <input type="checkbox"/> 360 Other Personal Injury  | <input type="checkbox"/> 440 Other Civil Rights                    | <input type="checkbox"/> 690 Other                                       | <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609               |
| <input type="checkbox"/> 893 Environmental Matters                                     | <input type="checkbox"/> 210 Land Condemnation                                  | <input type="checkbox"/> 362 Personal Injury-Med Malpractice                              | <input type="checkbox"/> 441 Voting                                | <b>LABOR</b>   |  |
| <input type="checkbox"/> 895 Freedom of Info. Act                                      | <input type="checkbox"/> 220 Foreclosure  | <input type="checkbox"/> 365 Personal Injury-Product Liability                            | <input type="checkbox"/> 442 Employment                            | <input type="checkbox"/> 710 Fair Labor Standards Act                    |  |
| <input type="checkbox"/> 896 Arbitration   | <input type="checkbox"/> 230 Rent Lease & Ejectment                             | <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability | <input type="checkbox"/> 443 Housing/Accommodations                | <input type="checkbox"/> 720 Labor/Mgmt. Relations                       |  |
| <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision |   | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability                   | <input type="checkbox"/> 445 American with Disabilities-Employment | <input type="checkbox"/> 740 Railway Labor Act                           |  |
| <input type="checkbox"/> 950 Constitutionality of State Statutes                       |   | <input type="checkbox"/> 369 Personal Injury Product Liability                            | <input type="checkbox"/> 446 American with Disabilities-Other      | <input type="checkbox"/> 751 Family and Medical Leave Act                |  |
|  |   |   | <input type="checkbox"/> 448 Education                             | <input type="checkbox"/> 790 Other Labor Litigation                      |  |
|  |   |   |  | <input type="checkbox"/> 791 Employee Ret. Inc. Security Act             |  |

FOR OFFICE USE ONLY:

Case Number:

CV18-06352

CV-71 (05/17)

CIVIL COVER SHEET

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**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

|  |  |  |   |
|--|--|--|---|
| <b>QUESTION A: Was this case removed from state court?</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><br>If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.                   | <b>STATE CASE WAS PENDING IN THE COUNTY OF:</b><br><input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo<br><input type="checkbox"/> Orange<br><input type="checkbox"/> Riverside or San Bernardino   | <b>INITIAL DIVISION IN CACD IS:</b><br>Western<br>Southern<br>Eastern  |   |
| <b>QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action?</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br><br>If "no," skip to Question C. If "yes," answer Question B.1, at right.  | <b>B.1.</b> Do 50% or more of the defendants who reside in the district reside in Orange Co.?<br><br><i>check one of the boxes to the right</i> →  | YES. Your case will initially be assigned to the Southern Division.<br><input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there.<br><br><input checked="" type="checkbox"/> NO. Continue to Question B.2.   |   |
|  | <b>B.2.</b> Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.)<br><br><i>check one of the boxes to the right</i> →  | YES. Your case will initially be assigned to the Eastern Division.<br><input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there.<br><br>NO. Your case will initially be assigned to the Western Division.<br><input checked="" type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there. |   |
| <b>QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action?</b><br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><br>If "no," skip to Question D. If "yes," answer Question C.1, at right.   | <b>C.1.</b> Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.?<br><br><i>check one of the boxes to the right</i> →  | YES. Your case will initially be assigned to the Southern Division.<br><input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there.<br><br><input type="checkbox"/> NO. Continue to Question C.2.  |   |
|  | <b>C.2.</b> Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.)<br><br><i>check one of the boxes to the right</i> →  | YES. Your case will initially be assigned to the Eastern Division.<br><input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there.<br><br>NO. Your case will initially be assigned to the Western Division.<br><input type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.            |   |
| <b>QUESTION D: Location of plaintiffs and defendants?</b>  | <b>A.</b><br>Orange County   | <b>B.</b><br>Riverside or San Bernardino County  | <b>C.</b><br>Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County |
| Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)   | <input type="checkbox"/>   | <input type="checkbox"/>   | <input type="checkbox"/>  |
| Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)   | <input type="checkbox"/>   | <input type="checkbox"/>   | <input type="checkbox"/>  |
| <b>D.1. Is there at least one answer in Column A?</b><br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><br>If "yes," your case will initially be assigned to the SOUTHERN DIVISION.<br><br>Enter "Southern" in response to Question E, below, and continue from there.<br><br>If "no," go to question D2 to the right. → | <b>D.2. Is there at least one answer in Column B?</b><br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><br>If "yes," your case will initially be assigned to the EASTERN DIVISION.<br><br>Enter "Eastern" in response to Question E, below.<br><br>If "no," your case will be assigned to the WESTERN DIVISION.<br><br>Enter "Western" in response to Question E, below. ↓ |  |   |
| <b>QUESTION E: Initial Division?</b><br><br>Enter the initial division determined by Question A, B, C, or D above: →   | <b>INITIAL DIVISION IN CACD</b><br><br>Western   |  |   |
| <b>QUESTION F: Northern Counties?</b><br><br>Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |  |  |   |

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court?

☒ NO

☐ YES

If yes, list case number(s): \_\_\_\_\_

**IX(b). RELATED CASES:** Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court?

☒ NO

☐ YES

If yes, list case number(s): \_\_\_\_\_

**Civil cases** are related when they (check all that apply):

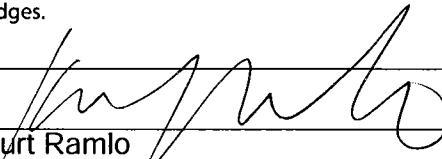
- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

**A civil forfeiture case and a criminal case** are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

**X. SIGNATURE OF ATTORNEY  
(OR SELF-REPRESENTED LITIGANT):**

  
Kurt Ramlo

DATE: July 23, 2018

**Notice to Counsel/Parties:** The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

| Nature of Suit Code | Abbreviation | Substantive Statement of Cause of Action   |
|---------------------|--------------|--|
| 861                 | HIA          | All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b)) |
| 862                 | BL           | All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)  |
| 863                 | DIWC         | All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))  |
| 863                 | DIWW         | All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))   |
| 864                 | SSID         | All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.  |
| 865                 | RSI          | All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))   |